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10 Attorneys for Secured Creditors
Tom Lange Company, Inc. and
11 Tom Lange Company International, Inc.

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 In re
16 SANTA CRUZ BERRY FARMING
17 COMPANY, LLC,
18 Debtor.

Case No. 15-51771 MEH

Chapter 11

**NOTICE OF NON-CONSENT TO USE
OF CASH COLLATERAL (SECURED
CREDITORS TOM LANGE
COMPANY, INC. AND TOM LANGE
COMPANY INTERNATIONAL, INC.)**

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22 PLEASE TAKE NOTICE that Tom Lange Company, Inc. and Tom Lange Company
23 International, Inc. (collectively, "TLC") represent and state as follows:

24 1. TLC asserts a secured claim against Santa Cruz Berry Farming Company, LLC,
25 the debtor and debtor in possession (the "Debtor") in the above-captioned bankruptcy case (the
26 "Case"), and its bankruptcy estate in the amount of not less than \$2,398,523.00, plus additional
27 accrued and unpaid interest, expenses (including attorneys' fees) and other charges and amounts
28 due (the "Obligations").

2. Pursuant to certain documents and agreements between the Debtor and TLC, the Obligations are secured by a security interest granted by the Debtor in favor of TLC in certain assets of the Debtor, including all inventory and farm products, including the Debtor's current crops of commercial and organic strawberries, and all rents, issues, profits and proceeds thereof (collectively, "Cash Collateral").

3. TLC (a) does not consent to the use of Cash Collateral pursuant to section 363(c)(2) of title 11 of the United States Code (the “Bankruptcy Code”),¹ (b) opposes the use of Cash Collateral by the Debtor pursuant to section 363(c), (c) requests that the Court prohibit the use of Cash Collateral by the Debtor pursuant to section 363(e), and (d) demands that the Debtor segregate and account for Cash Collateral in the Debtor’s possession pursuant to section 363(c)(4).

4. Pursuant to section 546(b), to the extent a law requires seizure of Cash Collateral or commencement of an action to accomplish perfection, or maintenance or continuation of perfection of an interest in Cash Collateral, such interest in Cash Collateral is perfected, maintained or continued by virtue of this notice.

5. Notwithstanding the foregoing, TLC reserves all rights and remedies available under contract, at law or in equity.

DATED: May 26, 2015

BUCHALTER NEMER

By: /s/ William S. Brody

WILLIAM S. BRODY

JOSEPH M. WELCH

Attorneys for Secured Creditor

Tom Lange Company, Inc. and

Tom Lange Company International, Inc.

¹ Statutory references herein are to the Bankruptcy Code unless otherwise noted.

1 **PROOF OF SERVICE**

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3 I am employed in the County of Los Angeles , State of California. I am over the age of 18
4 and not a party to the within action. My business address is at BUCHALTER NEMER, A
5 Professional Corporation, 1000 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90017-2457.

6 On the date set forth below, I served the foregoing document described as:

7 **NOTICE OF NON-CONSENT TO USE OF CASH COLLATERAL (SECURED**
8 **CREDITORS TOM LANGE COMPANY, INC. AND TOM LANGE COMPANY**
9 **INTERNATIONAL, INC.)**

10 on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof
11 in a sealed envelope as follows:

12 *Debtor*
13 Santa Cruz Berry Farming Company, LLC
14 116 Martinelli Street, Suite 8
15 Watsonville, CA 95077

Thomas A. Vogeles
Thomas Vogeles and Associates, APC
3199 Airport Loop Drive, Suite A-3
Costa Mesa, CA 92626

16 *U.S. Trustee*
17 Office of the U.S. Trustee / SJ
18 U.S. Federal Bldg.
19 280 S 1st St. #268
20 San Jose, CA 95113-3004

21 ☒ **BY MAIL** I am readily familiar with the business' practice for collection and
22 processing of correspondence for mailing with the United States Postal Service. The address(es)
23 shown above is(are) the same as shown on the envelope. The envelope was placed for deposit in
24 the United States Postal Service at Buchalter Nemer in Los Angeles, California on May 26, 2015.
25 The envelope was sealed and placed for collection and mailing with first-class prepaid postage on
26 this date following ordinary business practices.

27 ☒ **BY OVERNIGHT DELIVERY** On May 26, 2015, I placed the Federal
28 Express/Overnite Express package for overnight delivery in a box or location regularly
maintained by Federal Express/Overnite Express at my office, or I delivered the package to an
authorized courier or driver authorized by Federal Express/Overnite Express to receive
documents. The package was placed in a sealed envelope or package designated by Federal
Express/Overnite Express with delivery fees paid or provided for, addressed to the person(s) on
whom it is to be served at the address(es) shown above, as last given by that person on any
document filed in the cause; otherwise at that party's place of residence.

29 Honorable M. Elaine Hammond
30 US Bankruptcy Court, Northern (San Jose)
31 United States Courthouse, Room 3035
32 280 South First Street
33 San Jose, CA 95113-3099

1 ☒ I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct to the best of my knowledge. Executed on May 26, 2015, at Los
3 Angeles, California.

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5 ☒ I declare that I am employed in the office of a member of the bar of this court at whose
6 direction the service was made. Executed on May 26, 2015, at Los Angeles, California.

7 Debby Bodkin

/s/ Debby Bodkin
(Signature)